



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/926,466	01/09/2002	Christophe Quentin	2141541/S3PCT	4691
22850	7590	06/08/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			HUG, ERIC J	
			ART UNIT	PAPER NUMBER
			1731	
DATE MAILED: 06/08/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/926,466	Applicant(s) QUENTIN ET AL.	
	Examiner Eric Hug	Art Unit 1731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 20-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-18 and 20-24 is/are rejected.
- 7) ☒ Claim(s) 5-7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

The following is in response to the amendment filed on March 7, 2005.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 11, 14, 23, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Glikman et al (SU 576747).

Claims 1-4, 11, 14, 23, and 24 are also rejected under 35 U.S.C. 102(b) as being anticipated by Glikman et al (SU 726808).

Glikman discloses a float glass ribbon process combined with edge cutting discs. Molten glass (7) is formed into a ribbon on a pool of liquid metal (2) and spread to width between limiters (6). At the downstream end within the forming region are cutting discs (9) located at both edges of the ribbon for removing the thickened edges of the molten glass resulting from the spreading. Local heaters are provided at the edges above the cutting discs. Since the glass is in the molten state when cut, it is felt to be at a temperature well above the softening point, including the measurement of the Littleton softening point (where log viscosity = 6.6 Pa.s).

The two documents differ only in the features of the cutting discs.

English abstracts only are available at this time. A full translation of the applied documents is forthcoming.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 8-10, 12, 13, 15-18, and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glikman in view of Verlinden et al (US 6,092,392) and Machlan (US 3,622,298).

Regarding claims 9, 10, and 15-18, and 22, in the float glass process of Glikman, roll forming is not disclosed, and in the abstract there is no teaching of desired thickness. It is presumed that Glikman applies to float glass processes for making sheets of any desired thickness. Verlinden and Machlan both disclose well known processing steps of winding thin glass sheets (which can be of thickness less than the claimed 0.7 mm thickness) into a roll, wherein the glass rolls are formed on-line in conjunction with the sheet forming process so that the rolled glass can be later processed. Verlinden in particular discloses a float glass process. Verlinden also discloses chemically treating the glass prior or during roll formation to enhance the strength and handling stability of the glass rolls. In particular it is desired to chemically treat the glass after the edges have been trimmed (column 4, lines 22-24). Machlan discloses using paper inserts between each turn of the roll, which keeps the glass from sticking together (column 2, lines 30-40). Therefore, at the time of the invention, it would have been obvious to one skilled in the art to further utilize roll forming in the float glass process in order to obtain glass in rolled, continuous form for later processing. With further regards to the glass roll itself, the

Art Unit: 1731

claims do not structurally distinguish the claimed glass roll from those presented in the above references.

Regarding claims 8, 12, and 13, the claims are unpatentable in further view of legal precedent. The Federal Circuit's predecessor court, the CCPA, has repeatedly held that presumption of obviousness was formed, based on the ken of routineer, whenever a difference was deemed minor. *In re Rose*, 220 F.2d 459, 105 USPQ 237 (CCPA 1955), it was held that the size of an article is not a matter of invention, *In re Rinehart*, 531 F.2d 1048, 189 USPQ 143 (CCPA 1976) it was held that mere scaling up of a prior art process capable of being scaled up, if such were the case, would not establish patentability in a claim to an old process so scaled. *In Gardner v. TEC Systems, Inc.*, 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), cert. denied, 469 U.S. 830, 225 USPQ 232 (1984), the Federal Circuit held that, where the only difference between the prior art and the claims was a recitation of relative dimensions of the claimed device and a device having the claimed relative dimensions would not perform differently than the prior art device, the claimed device was not patentably distinct from the prior art device. The speed (less than 10 m/min) of claim 8, the dimensions (20 m length x 4 m width) and production rate (20 tons per day) of claim 12, and the product thickness (less than 2 mm) of claim 13, do not distinguish the present invention from prior art float glass processes, processing plants, or products merely on the basis of the claimed dimensions.

Regarding claims 20 and 22, it is felt that the recitation of temperature and viscosity are merely optimized values depending on the type of glass made, and it would be obvious to one skilled in the art to optimize the cutting of molten glass based on those parameters. *In re Boesch*, 205 USPQ 215 (CCPA 1980), it was held that the discovery of an optimum value of a known result

Art. Unit: 1731

effective variable without producing any new or unexpected results is within the skill of the routineer in the art.

Allowable Subject Matter

Claims 5-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Claim 5 is allowable for further providing a jet of gas directed toward the trimming point.

Claim 6 is allowable for further lifting the sheet from the metal bath at the trimming point.

Claim 7 is allowable for further providing guiding elements with spreader fingers for stretching the glass ribbon, and providing the trimming instrument after the spreading fingers.

Response to Arguments

Applicant's arguments filed March 7, 2005 have been fully considered.

Amendments to the claims have overcome the objection to claim 15 set forth previously.

Amendments to the claims have overcome the rejection of claims 13 and 14 under 35 U.S.C. 112, second paragraph, set forth previously.

Cancellation of claim 19 has overcome the rejection of that claim under U.S.C. 112, second paragraph, and U.S.C. 101, set forth previously.

Applicant's arguments and amendments to the claims have overcome the rejections of claims under 35 U.S.C. 103 over the combination of Mouly et al (US 4,749,400) and Anderson (US 4,162,907), set forth previously.

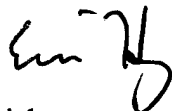
A new grounds of rejection has been set forth above.

Art Unit: 1731

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Hug whose telephone number is 571 272-1192. The examiner can normally be reached on Monday through Friday, 10:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


jeh